



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
November 17, 2015

WORK SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:30 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris and Dan King. Councilor Renee Brouse via conference call. Council President Sally Robinson arrived at 5:40 pm.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Planning Manager Brad Kilby, Senior Planner Michelle Miller, Police Chief Jeff Groth, Police Captain Ty Hanlon, Code Compliance Officer Bill Collins, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
4. **TOPICS:**

A. Marijuana Options (e.g. tax, ban, regulate)

City Attorney Josh Soper provided a presentation (see Record, Exhibit A) on the options relating to marijuana. He provided a background of what the City has done so far which includes: adopting a temporary moratorium on medical marijuana dispensaries to allow time to develop regulations which has since expired, adopting medical marijuana dispensary regulations to supplement state regulations, adopting a pre-Measure 91 tax and banning early sales of recreational marijuana at medical marijuana dispensaries. He stated there are a number of actions the City is clearly authorized to take under state law and there are also a number of actions some cities and counties are taking or considering taking which are certain to result in litigation or other challenges. He noted this presentation generally does not address these areas.

He addressed the pre-Measure 91 tax and said it was somewhat unclear as to possible grandfathering of pre-existing taxes, so many cities, including Sherwood, adopted taxes in the lead-up to the 2014 election. He stated the legislature's clarifying legislation adopted after Measure 91 passed did not offer explicit grandfathering as many had hoped, and instead went in the opposite direction. He noted under HB 3400, the legislature has vested authority to impose a tax or fee on the production, processing or sale of marijuana items solely in the Legislative Assembly, except as provided by law, and also provided that a city may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items, except as provided by law. He said the exception as provided by law provisions refer to

the new local tax option that will be discussed later. He stated it is still possible to make an argument that this language is not sufficient explicitly preemptive and the city's tax could stand. He noted however, this would almost certainly be litigated and, to date, no other cities seem to be willing to be the test case. He said the legislative history strongly suggests an intention to preempt these local taxes and if any cities try to challenge it, further clarifying legislation is reportedly likely. He recommended that the Council repeal the City's pre-Measure 91 tax ordinance.

He stated three options will be discussed and the first option is to ban. He noted state law allows cities to prohibit six categories of activities and the right to ban one, several, or all. He said the categories include: medical processing, medical dispensing, recreational growing, recreational processing, recreational wholesaling, and recreational retailing. He noted cities cannot ban medical growing and there are no medical wholesalers under the current legal framework. He stated medical marijuana dispensaries and medical marijuana processors that have registered with the state by the time their city adopts a prohibition ordinance are not subject to the ban if they have successfully completed a city land use application process.

He said to initiate a ban the Council would adopt an ordinance specifying the categories to be banned and it must be referred to the voters because Washington County did not oppose Measure 91 by 55% or more. He stated the vote must be at a statewide general election and first opportunity is November 2016 with a referral deadline of August 14, 2016. He noted a moratorium will be in effect from the time of Council adoption until the election and as soon as the Council adopts the ordinance, OHA and/or OLCC will stop issuing licenses for the categories proposed to be banned. He stated a ban in any category precludes imposing a local tax and sharing in the state tax, even on the categories not banned.

He stated early recreational sales at medical marijuana dispensaries will be taxed by the state at retail at a rate of 25% starting in January and regular recreational sales will be taxed by the state at retail at a rate of 17%. He said 10% of the state tax will be transferred to cities to assist local law enforcement in performing its duties under Measure 91. He noted before July 1, 2017, it will be distributed proportionately to all Oregon cities based on their population and after July 1, 2017, it will be distributed proportionately based on the number of licenses issued for premises located in each city. He said 50% will be distributed based on the number of production, processor and wholesale licenses issued in the city, and the other 50% will be distributed based on the number of retail licenses issued in the city. He stated a city that imposes a ban on any of the categories on the previous slide will not receive any state tax revenue sharing

He said HB 3400 allows cities to impose a local tax, in addition to the state tax, up to a maximum of 3%, on the retail sale of recreational, not medical, marijuana and to do so Council must adopt an ordinance and refer it to the voters in a statewide general election. He said the City may not impose a local tax if it has banned any of the categories of marijuana activities.

He discussed the option of regulating and noted HB 3400 provides that cities may impose reasonable regulations on the time, place, and manner of operation of marijuana facilities. He said if Council decides to regulate staff can review the state's temporary rules within the context of our current ordinances and develop proposals to fill any identified gaps and this would be brought back to Council at a later date.

He outlined the decision process and said the first question is whether the Council chooses to ban. He said if yes they need to specify what categories. He said if Council decides not to ban the question is

whether or not to tax and how much to tax up to 3%. He said if Council decides to regulate staff will need to develop recommendations. He said regardless of the decision he recommends the Council repeal the pre-Measure 91 tax.

Council discussion followed regarding the options. Councilor Harris stated she would not support a ban. Council President Robinson suggested letting the voters decide and place the issue on the ballot because the majority of Sherwood voters opposed recreational marijuana. Councilor King agreed. Council agreed that it is important to have regulations in place regardless. Council discussed enforcement costs that will continue to grow and increase and the challenges the Police Department will face. Mayor Clark said she supports not banning and having a 3% tax on the ballot so there will be additional revenue for enforcement. Councilor Kuiper asked Councilor Henderson if she would support putting the issue of banning marijuana on the ballot and she stated probably likely and asked about the interim. City Manager Joseph Gall suggested that in early 2016 the staff can provide a resolution to put a ban on the ballot and this would allow public input. He said staff could provide another resolution regarding taxing and have the same conversation among the Council and the public.

Mr. Soper noted the other pressing timeline is that OLCC is not expecting retail sales to start until mid or late 2016 and they will phase in the licenses. He said they will start by licensing growers in early 2016 and will be asking the cities if the growing applications conform with the land use regulations and the City needs to have those regulations in place before they start receiving applications. He said one option is to start developing the regulations regardless of whether a ban is placed on the ballot. Councilor King asked if the Council could impose a moratorium. Mr. Soper said putting a ban on the ballot is the only method.

Mayor Clark supports going through the process of creating regulations regardless. Mr. Soper clarified that Council is directing staff to start the regulation development process and in January there will be a resolution before the Council regarding banning marijuana on the ballot.

Councilor Brouse said she would support developing regulations and also hearing what the citizen's support.

Mr. Soper said if the Council decides not to ban marijuana staff will provide an ordinance regarding taxation.

B. Temporary Sign Code and Enforcement Procedures

Community Development Director Julia Hajduk provided a presentation (see Record, Exhibit B) regarding temporary/portable sign regulations in Sherwood. She said her discussion will focus on the right of way restrictions and explained the right of way. She said in 2002 the code was updated to establish regulations for temporary signs to allow temporary signs in the right of way without a permit Thursday at 6:00 PM to Sunday at 8:00 PM and on Tuesday and essentially only days not restricted were Monday, Wednesday and Thursday until 6:00 PM. She said there was a permit process which allowed up to 10 signs to be allowed around the clock. She said there was a provision for 4 two week permits per year and 1 two month permit per year. She said while not codified, the sign permit did not permit signs in the right of way, road medians or ODOT or County right of way. She stated enforcement was a challenge and she provided examples. She noted the permit system was cumbersome to administer and cost \$50 per permit making it difficult for some to pay to support their cause. She also noted the permit process required

people to map locations of signs, however no regulation regarding how many signs in any area, causing clustering of signs at key locations and concerns about visual clutter.

She stated in August 2012 Council adopted Ordinance 2012-009 which provided new temporary and portable sign code language. She said the legislation distinguished portable signs from temporary signs, determined that no signs can be in the right of way at any time except portable signs between Friday after 6:00 AM to Sunday at 6:00 PM. She said in theory enforcement is simpler because it is clear if a sign is in the right of way any other time it is not permitted and may be removed. She stated permits are not required and there is a provision that signs may not create a traffic safety or maintenance problem and the City determined that within the roundabouts, constitutes a safety problem. She noted that signs may not be attached to any structures, trees, etc. and it is recommended that property owners be consulted prior to placing a sign in the right of way in front of someone's property. She said signs must be 25 feet apart and signs are still permitted on private property.

Ms. Hajduk discussed the concerns she has heard which include the hassle of picking up and removing signs every weekend, there is a clutter of signs on the weekend, people placing signs in locations they are not permitted to, and residents would prefer a permit to allow signs to remain all week and for extended periods of time and the enforcement is inconsistent. She discussed banner signs and said they are not allowed at all and not in the right of way.

Ms. Hajduk discussed the sign codes of other jurisdictions. City Council discussion followed regarding livability and enforcement. Council discussed the impact signs have on businesses, organizations and elections and the need for signs in the right of way.

Mayor Clark said the code is sufficient and she does not see the need to revisit the language.

Council President Robinson said she would support prohibiting all temporary signs from the right of ways. Discussion followed. Mr. Gall clarified that two Councilors would support prohibiting all temporary signs from the right of ways and said there is not a clear unanimous position on changing the language and suggesting working with the regulations we have to make them work better.

Councilor Henderson suggested that if you want to reduce sign clutter we need to reduce the number of signs and the sign code we have now does not serve the community well. Councilor Harris agreed. Councilor Henderson provided examples and said if the current code works there needs to be proactive education and enforcement.

Council President Robinson said if we are not going to change the language she suggested having another work session to discuss how to regulate it better. She said that discussion could include moving enforcement from Police to City enforcement. Mr. Gall said that is a different conversation and he asked the Council if they want enforcement to be more proactive.

Mayor Clark said no because she sees it exactly the same as chickens. She said it is not perfect but it is a process.

Councilor Kuiper agreed with Council President Robinson that Council needs to discuss this further and said she does not like the idea of temporary signs in the right of way but said some groups rely on the signs.

Councilor Harris said those groups don't have to rely on signs.

Council President Robinson said she will not support a law that is not enforced. Councilor King agreed.

Mr. Gall said there are ways to have further conversation about how we can enforce more proactively. He noted that currently the code is only enforced through complaints and that is problematic. He stated he has ideas of how to change that.

Councilor Harris commented on the sign problem from the last election and said it was embarrassing. Mr. Gall said those signs were in compliance.

Mr. Gall said he had a clear direction from Council.

5. ADJOURN:

Mayor Clark adjourned the work session at 6:50 pm and convened to a regular Council meeting.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Clark called the meeting to order at 7:07 pm.
- 2. COUNCIL PRESENT:** Mayor Clark, Council President Sally Robinson, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris and Dan King. Councilor Renee Brouse via conference call.
- 3. STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, City Engineer Bob Galati, Senior Planner Michelle Miller, Library Manager Adrienne Dorman Calkin, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark addressed the next agenda item.

4. APPROVAL OF AGENDA:

Mayor Clark stated that she received a request to amend the agenda by moving item 5.E Resolution 2015-084 Completing the annual performance evaluation of the City Manager for the City of Sherwood. She stated there is some clarification the Council would like to discuss and suggested moving the resolution to New Business as item 7.A. She said that is the movement she has made and with that change she asked for a motion to approve the agenda.

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA AS AMENDED, SECONDED BY COUNCILOR KING. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).

Mayor Clark addressed the next item on the agenda and asked for a motion.

5. CONSENT AGENDA:

- A. Approval of October 20, 2015 City Council Meeting Minutes**
- B. Approval of November 3, 2015 City Council Meeting Minutes**
- C. Resolution 2015-082 Appointing Joyce Venjohn to the Library Advisory Board**
- D. Resolution 2015-083 Reappointing Amanda Stanaway to the Cultural Arts Commission**
- F. Resolution 2015-085 Adopting criteria to be used in the annual performance evaluation of the City Recorder**

MOTION: FROM COUNCILOR HARRIS TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).

Mayor Clark addressed the next agenda item.

6. PRESENTATIONS:

A. Eagle Scout Recognition

Mayor Clark recognized and congratulated Ryan Urmini and Dante Perone for obtaining the rank of Eagle Scout. They were not present and Mayor Clark indicated their certificates would be mailed.

B. Proclamation Human Rights Day

Mayor Clark read the proclamation and stated on December 10, 1948, the member States of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic and social systems unanimously agreed on the fundamental rights that all people share solely on the basis of their common humanity. She noted the primary responsibility to promote respect for these rights and freedoms lies with each individual in Sherwood and each of us can play a major role in enhancing human rights. She declared December 10, 2015 as Human Rights Day and December 7 – 13, 2015 as Human Rights Week and challenged residents to study and promote the ideas contained in Universal Declaration of Human Rights to the end that freedom, justice, and equality shall not perish but will flourish and be made available to all.

C. Tree's for All, Clean Water Services Presentation

Watershed Management Department Director Bruce Roll discussed the challenges Clean Water Services (CWS) faced with regulatory obligations and the decision to use green infrastructure by planting trees. He said to be successful the program had to engage the cities and the agricultural community. He said in 2005 the cities committed to engage the process with a goal of planting 1 million trees in 20 years. He noted each year the program grew larger. He said for the 10 year anniversary the program set a goal to plant 1 million trees in 1 year starting last October. He presented the Council with a video that chronicled the past year and announced that they met the goal and exceeded their expectations by planting 2 million trees in 2015. He thanked Sherwood for their partnership and their help in planting trees. He presented the Mayor with an award.

Mayor Clark stated she has participated in several of the tree planting events and commented on the impact the plantings have especially in Woodhaven Park. She reiterated that the goal for 2015 was to

plant 1 million trees and they actually planted 2 million trees. Mayor Clark thanked Mr. Roll for the presentation and award and addressed the next agenda item.

D. TVFR Community Academy

Mayor Clark stated she was invited to be a part of the academy and shared her experience. TVFR presented a video highlighting the experience and the academy. Mayor Clark thanked TVFR for their service.

A Lieutenant with Engine 33 came forward and said Mayor Clark rode with his crew. He said the academy is for business leaders and to provide a unique perspective of what TVFR does, and the challenges they face. He said Mayor Clark had an opportunity to see how TVFR interacts with the community on a daily basis. City Manager Gall extended the invitation to attend the academy to all of the Councilors.

Mayor Clark addressed the next agenda item.

7. CITIZEN COMMENTS:

Jim Claus, Sherwood resident approached the Council and said recently they are trying to do a housing demand and he has never seen one done like that. He stated he has worked for a number of other cities and he said Sherwood is not answering the right question. He said ironically Sherwood is referred to as a self-contained community. He said there was the tannery and the cannery and the majority of the people worked here and lived here. He noted up until the time the Sherwood Plaza was constructed Sherwood had been the perfect self-contained central business district (CBD). He said Sherwood Plaza shifted the retail commercial out to the highway and that has continued. He stated now there is more square footage of retail commercial in Sherwood than Washington Square and by and large they are not well paying jobs and they can't afford to live here. He commented on reference to a housing need and said Sherwood needs to change the way they are building houses and he provided examples from other cities.

Adrienne Dorman Calkins, Sherwood resident and Sherwood Library Manager came forward and stated that on November 3, the levy for countywide library services passed with 64% of yes votes. She said the current levy provides 21% of Sherwood Public Library funding and the replaced levy will allow Washington County Libraries to continue to meet the demand of growing communities. She thanked Mayor Clark for her support along with the other Washington County Mayors and Councilor Harris for her help in getting endorsements for the voter's pamphlet and for consulting with the Library Advisory Board. She thanked City Council for their official endorsement, City staff for helping to distribute voter education information about the levy and Friends of the Library for their advocacy and countless hours of handing out free books and voter information. She thanked Washington County Cooperative Library Services administration and the People for Libraries PAC for their organized strategies to raise awareness of the levy and library services. She thanked the local Sherwood Library staff for staying positive through the long lead up to Election Day and memorizing statistics about our budget and the Secretary of State Approved voter education statement, and for offering cheerful customer service throughout it all. She said thanks to everyone who listened to her talk about the levy, and Sherwood area voters for their support of local libraries, for coming out to vote, and for continuing to value the life-long learning provided through the Sherwood Public Library.

Councilor Harris thanked Adrienne for her work, the passion she has for the library and energy she infuses into her staff, and for making the Sherwood library leaps and bounds ahead of our neighboring libraries. She said part of the reason the levy passed was because of the amazing Library Adrienne has created for our citizens.

Tess Keis, Sherwood resident came forward and said she is here as a representative of the Sherwood American Legion and commented on how wonderful the turnout was for those who attended to honor our veterans. She said the day started with a celebration at the Sherwood Center for the Arts and she thanked City staff, the Mixalodians, the speakers, and Rose's Deli. She thanked the Daughters of the American Revolution who did a special tribute to Mr. McGuigan a 95 year old veteran, the father of Phil McGuigan. She said there were tables displaying information pertaining to our veterans and said it was the best turnout ever. She said Daryl Crawford who received a purple heart during the Vietnam War read the invocation and although nervous, he did an awesome job. She commented about passing out poppies made by veterans that helped raise money for veterans programs and said they raised funds to send our veterans boxes and stockings for Christmas. She said the Stockings for Soldiers program sends boxes all year and at Christmas and commented on how much it means to the soldiers. She said items or funds can be donated and she said it costs \$15.90 per box. She said through the community and the American Legion they have raised \$810 and received items for the stockings. She commented on the American Legion dinner on Veterans Day and thanked Alison Bertalotto, owner of It's All Arranged for donating the vases full of carnations for business to pass out to veterans. She thanked the High School and elementary school students for the paper flowers and poster thanking veterans and those who helped at the dinner. She thanked the veterans and police officers that attended the celebration.

Tony Bevel, Sherwood resident approached the Council and said he attended the last Council meeting where backyard chickens were being discussed and he felt that some progress was going to be made but doesn't believe there was anything done. He said there were some good ideas and he hopes the Council can come up with a consensus. He commented on the driving speeds on his street and said it is a big issue and as a taxpayer he has a right to feel safe on the street. He said he has addressed this before and is tired of the excuses from City officials about why they can't get traffic calming devices.

Nancy Taylor, Sherwood resident came forward and said on August 12, 2015 the City Council unanimously voted to unleash a group on the citizens referring to the Yes on Measure 34-242 campaign. She said she has been canvassing Sherwood on another issue and said people want to talk about the Brookman Road annexation and why do they have to vote it down for a third time. She stated citizens had questions of why the City is doing this again. She said a lot of citizens voted against Brookman because they felt they had told the Council twice before that they did not want Brookman and the Council unanimously said they don't care what the citizens want and think as long as Brookman is there it has to be developed. She said when people got the message that the Holt Group was planning on spending \$200,000 to educate the citizens of Sherwood they were defeated by \$560. She said it is a no brainer and she hopes the Council looks in the mirror and asks themselves what they unleashed on Sherwood and why they unleashed that on our fellow citizens. She said don't do it again.

Naomi Belov, Sherwood resident approached the Council and reiterated Nancy Taylor's comments that Council was voted into office to represent the citizens and it is frustrating. She said she is working on another campaign and going door to door. She stated she had an online conversation with Councilor Harris on a facebook site called the Sherwood Voter's Forum and she tried to explain to her that it is not a personal attack to say the City Council is not representing the citizens. She said that has been happening

in Sherwood for the past 15 years and the citizens are tired of Council trying to push through developments. She said the measure failed by 70%. She stated she has an ethical concern about what was mentioned in the Sherwood Gazette that Mayor Clark represents the City at the Westside Business Alliance. She stated the head of the Yes on Measure 34-242 campaign, Norm Eder, is the President of this group. She said this group sounds like a lobby group for developers and if our Mayor is going to this group representing the City instead of the residents that is breach of what we voted her into office for. She asked all of the Councilors to rethink their role and listen to the voters and not the developers or the City and the more they do things like that it appears that the City is a corporation trying to make money off citizens through taxes and SDCs. She said she understands they want raises and that is not our job. She said Council's job is to make the City livable. She said Councilor Harris suggested that she put something on the ballot and said she knows from experience that you can't just go get something on the ballot it takes many hours. She said it takes an hour to get 10 signatures and they need at least 1500 signatures per initiative. She asked the Council why they did not ask the developers to gather signatures. She said that is why citizens are angry and said it is not fair. She asked the Council after spending a lot of the taxpayers money on the chicken ordinance to put it on the ballot. She said since the Council cannot agree on it let the voters decide.

Mayor Clark asked City Manager Joseph Gall to clarify her involvement with Westside Economic Alliance and the relationship with Norm Eder.

Mr. Gall said the City of Sherwood is a paying member of the Westside Economic Alliance (WEA) as are all cities in Washington County. He said the Mayor attends monthly and a number of other Councilors attend as well as himself. He said there are developers that are part of the organization but it is actually a business organization focused on jobs and job development. He said Mr. Eder is a member of the board representing WEA and not the President. He referred to his role with CFM, the lobbying firm hired by Holt Group. He said it is monthly breakfast and is a mixture of business, elected officials and government officials that are trying to promote economic development in Washington County mainly through jobs. He said it is common for the mayors to attend the monthly meeting.

Mayor Clark clarified that there is no direct connection to Norm Eder or his business when she attends the WEA meetings.

Councilor Kuiper said she attends the WEA meetings as well as other Councilors and Pam Treece is the President of WEA and was in the Trees for All video. She said WEA is an organization dedicated to jobs in Washington County and encouraged everyone to go to a WEA meeting and see the good things they are doing. She referred to the Brookman Road Annexation and said Sherwood is one of the few cities that require voter approval for annexations. She stated only property owners can request annexation and not developers.

Councilor Harris clarified that CFM was hired to run the campaign and Holt is the developer. Councilor Henderson stated that CFM represents the City in Washington DC. Mr. Gall said CFM is primarily a lobbying organization and they don't do too many campaigns.

Mayor Clark addressed the next agenda item.

8. NEW BUSINESS:

A. Resolution 2015-084 Completing the annual performance evaluation of the City Manager for the City of Sherwood

Mayor Clark said Councilor Henderson has a clarification that she would like to discuss.

Councilor Henderson referred to Exhibit A of the resolution which has a summary of the 8 categories used to review the City Manager. She said at the bottom of Exhibit A the City Attorney included a small paragraph called "Overall Performance Rating". She said the Overall Performance Rating is listed as 2.86 which is misleading. She said it is accurate but is based on only one question and does not accurately reflect the review. She confirmed with the Council that all 8 categories are equally important and if you take the data and add up the ratings for all 8 categories and divide you get an average rating of 3.41. She said you need to be able to defend a review in the future and data is the best way. She recommended amending the resolution to strike (not an average of above scores) and change the number from 2.86 to 3.41. She said that is the amendment she is proposing and said it is a more accurate representation of the review.

Councilor Kuiper asked if this is inclusive of the overall performance rating.

Councilor Henderson said it is not inclusive and it excludes the subjective rating.

Mr. Soper recommended that instead of striking the entire parenthetical just strike the word "not" to clarify that it is an average of the above score. Council agreed.

Councilor Henderson rescinded her motion and made the following motion.

MOTION: COUNCILOR HENDERSON MOVED TO AMEND RESOLUTION 2015-084 UNDER EXHIBIT A LAST PARAGRAPH TO READ OVERALL PERFORMANCE RATING CONSIDERING THE RESULTS OBTAINED AND ESTABLISH PERFORMANCE STANDARDS AS WELL AS OVERALL JOB PERFORMANCE THE FOLLOWING RATING IS PROVIDED STRIKING (AVERAGE OF THE ABOVE SCORES) AND STRIKING 2.86 AND REPLACING IT WITH 3.41. SECONDED BY COUNCILOR HARRIS.

Discussed followed clarifying that the overall rating would change from 2.86 to 3.41 because it is inaccurate and based on a separate question that was utilized instead of being an average.

MOTION PASSED 7:0, ALL PRESENT VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).

MOTION: COUNCILOR HENDERSON MOVED TO ADOPT RESOLUTION 2015-084 AS AMENDED, SECONDED BY MAYOR CLARK. MOTION PASSED 7:0. ALL PRESENT VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).

Mayor Clark addressed the next item on the agenda.

B. Resolution 2015-086 Amending the employment contract with the City Manager and providing an increase in compensation

City Attorney Josh Soper stated this resolution adopts a change to the City Manager's employment contract that was requested by Mr. Gall that allows the funds currently provided for a YMCA membership to be used more broadly for any fitness club membership and provides a 3.75% increase in base pay that was recommended by Mayor Clark. He said the change requested by Mr. Gall has no fiscal impact and is the same dollar amount with flexibility and the fiscal impact for the proposed increase in compensation with an effective date of November 1, 2015 is \$3,963 for this fiscal year.

Mayor Clark said she supports the change in membership fee and proposed language to amend the resolution. Mr. Soper said language is reflected on page 42 of the packet and there does not need to be a separate motion.

Councilor Henderson stated that during the review Council received information regarding salary comparisons and she asked why they proposed 3.75% and is that a combination of merit and market adjustment.

Mayor Clark said it was a blended combination and Mr. Gall's salary was clearly outside of the market analysis and underpaid in relation to counterparts in the region and this increase brings him closer to an appropriate compensation for his position.

Mr. Soper said they did not discuss a separate analysis between performance and market adjustment. He said they primarily looked at the market figures.

Councilor Henderson said that figures are usually separated out.

Councilor Harris asked if they legally have to separate the figures.

Mr. Soper said it is a common practice but there is not any legal reason that it would have to be done that way.

Councilor Harris said she supports 3.75% because it puts that salary closer to others in the market and noted he is still under paid.

Mayor Clark said it is an appropriate amount.

Councilor Henderson asked if Councilor Harris was proposing a 3.75% market adjustment plus a merit adjustment.

Councilor Harris said no but if you classify the increase as a market adjustment she would feel obligated to provide a merit adjustment as well. She noted that even with a 3.75% he is still the lowest paid City Manager around.

Councilor Henderson asked what Mr. Gall's base salary will be with the proposed 3.75% increase. Mr. Soper replied \$130,062.50 would be the base salary not including car allowance, cell phone allowance, fitness allowance and benefits.

Councilor Harris stated that still makes him the lowest paid City Manager around.

Councilor Henderson suggested that Council consider a salary survey during the goal setting session. She said if the City is not competitive they should have a plan.

Mr. Gall said the work plan includes a salary study comparison and he is concerned about a number of positions and would like to look at them comprehensively. He said the Council needs to be aware of positions that are below market. He said he appreciates the increase and is not concerned whether it is classified as market or merit adjustment.

MOTION: FROM COUNCILOR HARRIS TO ADOPT RESOLUTION 2015-086, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 7:0. ALL PRESENT VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).

C. Resolution 2015-087 Authorizing the City Manager to execute an IGA with Washington County for the Kruger/Elwert Intersection Project

Community Development Director Julia Hajduk stated IGAs would generally be under the consent agenda however this is a project that has not been discussed before the Council previously.

City Engineer Bob Galati said the resolution authorizes the City Manager to enter into an IGA with Washington County for the Kruger/Elwert intersection improvement project. He stated the project is identified in the TSP as a problem and in the County's TSP as a problem. He said the project has been fully vetted under the MSTIP program for funding. He stated the County is ready to do the design and construction of the project and in conjunction with that the City has also expended money in purchasing the property necessary for the improvement. He said the project is fully funded by the MSTIP program. He said design will begin once the IGA is approved and construction will start in a timely fashion. He stated the IGA is a clarification of the duties, roles and responsibilities of each agency.

Councilor Harris asked for tentative start and completion dates. Mr. Galati said the design will take at least a year to a year and a half to complete. He said the minimum would be fiscal year 2017-2018. He said the MSTIP funds have to be used before 2020.

Councilor Kuiper asked if the City staff will work with Washington County on the design. Mr. Galati said City staff will have a comment review process and coordination.

Councilor Kuiper asked for the definition of MSTIP. Mr. Galati stated MSTIP is Major Street Transportation Improvement Program.

With no further questions Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR HENDERSON TO ADOPT RESOLUTION 2015-087, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0. ALL PRESENT VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).

Mayor Clark addressed the next item on the agenda.

9. CITY MANAGER REPORT:

City Manager Joseph Gall announced that the City Council meeting is being broadcast live for the first time. He said the City will start promoting the live coverage which will be on cable and the internet through the City YouTube channel. He said eventually the Planning Commission meetings will be broadcast live. He announced the Cedar Creek Trail Local Advisory Committee is having their third meeting tomorrow night from 6:30 pm to 8:30 pm. He said that project is moving forward with design and will hold an open house on December 3 in the Community Room. He said the Sherwood West Committee Advisory Committee has their last meeting Thursday from 6:30 pm to 8:30 pm in the Community Room. He said the committee will forward information to the Council in early 2016. He noted City Hall and the Library will be closed on Thanksgiving and Friday November 27 and the Library will close on Wednesday, November 25 at 6:00 pm.

Mayor Clark thanked Councilor Robinson, City staff and all of the public that participated in the Sherwood West Committee. She asked Mr. Gall to discuss water rates and reminded the audience that she proposed rescinding the 4% water rate increase and that failed. She referred to the consultant's information which included a projected 4% increase every year for the next five years and the fifth year going to 5%. She said that was not palatable and she asked the Mr. Gall what they could about this increase. She said Mr. Gall challenged his management team on this question and they started asking hard questions. She asked the question during the hot summer months why the parks and school fields were green. She asked what and who were paying for that and is there a conservation program. She stated Mr. Gall looked into that issue and worked on solving the issue of the projected water rate increases.

Mr. Gall said they did have that conversation and he approach Public Works Director Craig Sheldon and discussed the issue and asked if there was a way to lessen the need for an increase. He said he discovered that our practice is that the City does not charge themselves for water. He stated this practice goes back to when the City had its own wells. He said the General Fund was not being charged for the use of water irrigation at the parks or at the schools and the City was not charging the School District a water fee for the use of irrigation. He said that has been an ongoing practice. He compared this practice with other cities and found that it was not very common and most cities charge themselves for their own use of water. He said they have been looking at what this means for revenue if the City started charging themselves. He stated his proposed budget next year will include a water fee for the City. He said the utility is an enterprise fund and the City charges it's enterprise fund a franchise fee. He said we treat it like a private business and charge it a franchise fee but for years it has not been able to turn around and charge the City a fee for the use of the water and that doesn't seem consistent. He said he is projecting that the fee will be around \$200,000 to \$300,000. He said he is working with the consultant to determine how this will affect the rate projections. He said the consultants will provide a report in early January at a Council work session and there will be a new 10 year projection reflecting the change. He anticipates that the rate increase will be less with this additional revenue.

Mayor Clark said this could dramatically lower the projected rate increase. Mr. Gall said the City has informed the Sherwood School District (SSD) that they will need to budget for a fee for water usage on the fields. He said the City has charged them for water usage in buildings but the irrigation mainly the summer months was being absorbed by rate payers for years and that practice needs to be changed. He said he would consider this a best practice.

Mayor Clark said there will be more answers in the future and she wanted to share this information with the Council so they understand the change. Mr. Gall stated that the General Fund will be paying money that it currently doesn't pay and it will impact the General Fund.

Councilor Kuiper asked if the \$300,000 includes the SSD. Mr. Gall said yes and the City portion based on last year's rates will be about \$200,000.

Mayor Clark said it is fantastic that she was able to find this and Mr. Gall was able to work with her on this. She said doing the right thing is not always the comfortable thing but it is the right thing. She stated this is bringing the City into best practices. She said the City moved from a well to a paying water system and continued to practice the same way.

Councilor Henderson asked what the City has told the SSD to budget next year in terms of water. Mr. Gall said approximately \$100,000. He said the SSD can reduce those charges by conserving water as can the City. He said the community is used to having green fields in the middle of the summer and that might not be affordable anymore. He said that is a discussion to have with our partners.

Mayor Clark addressed the next item on the agenda.

10. COUNCIL ANNOUNCEMENTS:

Mayor Clark reported on the Emergency Preparedness event attended by Senator Thatcher and Representative Davis in Sherwood. She said the information will be shared on the City website. She announced that Sherwood High School football player Adley Rutschman set a new Oregon State High School record with a 63 yard field goal. She thanked Senator Thatcher for attending the Veteran's Day event which was well attended and thanked staff. She thanked everyone for attending the Dog Park opening and Hungry Hero for donating a cake. She congratulated Our Table Cooperative for their 1 year anniversary. She said the store is 80% organic and 80% local sourced.

Council President Robinson commented on the Dog Park opening and asked staff if the parking issue on Pine Street was resolved as Pine Street is not intended to be parking for the dog park. Mr. Gall said staff will look into the signs. She announced the last Sherwood West meeting is Thursday at 6:30 pm. She said the Planning Commission is considering a zone change from Neighborhood Commercial to Medium Density Residential Low and it has been continued to the Tuesday, November 24 meeting. She stated Bowman House 3 is currently being built on First Street.

Councilor Harris stated the Library held an Infant and Toddler Mental Health seminar and 55 people attended. She announced Thanksgiving Tales will be at the Center for the Arts on Wednesday at 6:45 pm. She announced International Game Day will be on November 21 at the Library. She thanked the voters for approving the Library Levy. She said Thursday, December 10 is the Old Town Art Walk from 5:00 pm to 8:00 pm. She commented on the Veteran's Day event which she attended.

Councilor King commented on the Sherwood Main Street Halloween event and said it was well attended. Sherwood Main Street will meet on Thursday at 8:00 am at the Rebekah Lodge. He referred to his comments in the Archer regarding HOAs and encouraged citizens to continue emailing their concerns.

Councilor Brouse announced the Sherwood annual Give and Gobble will be held on Thanksgiving at 9:00 am. She announced December 5 is the Winter Festival in Sherwood and volunteers are needed. She said the organization 4 Kids Sake is looking for donations. She stated the two sheds on the new Bowman House property are for storing materials. She said the SSD Board Meeting has been cancelled however there is a key stakeholder meeting on Thursday evening. She said the Board had a work session recently regarding capacity.

Councilor Kuiper reiterated that the Sherwood Robin Hood Association is responsible for the Holiday Parade and Festival on December 5 and they meet the third Thursday at 7:00 pm every month and they are looking for volunteers. She encouraged everyone to attend the Sherwood Art Walk. She said she attended the census event at the Library which was valuable.

Councilor Henderson encouraged residents to rake their leaves about 10 inches from the curb. She announced that Sherwood High School will play Lincoln High School in the playoffs on Friday night. She said the Police Advisory Board meets this week and said there was recently a message from the police encouraging citizens to lock their car doors. She commented on the situation in France and the enormity of the loss.

Mayor Clark asked for a motion to adjourn.

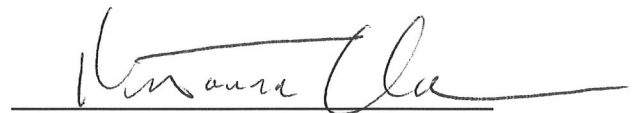
11. ADJOURN:

MOTION: FROM COUNCILOR HARRIS TO ADJOURN, SECONDED BY COUNCILOR HENDERSON, MOTION PASSED 7:0. ALL MEMBERS VOTED IN FAVOR. (COUNCILOR BROUSE VIA CONFERENCE CALL).

Mayor Clark adjourned the meeting at 9:00 pm.

Submitted by:


Sylvia Murphy, MMC, City Recorder


Krisanna Clark, Mayor